IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Bail Appl..No. 5350 of 2007()

CRIME NO.321/07 OF THE KASARAGOD POLICE STATION.
CP NO.207/07 OF THE JFCM, KASARAGOD.

PETITIONER/ACCUSED:

ASHRAF A.P., S/O. LATE ABDULLA,
THERUVATH, THALANARA, KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
KASARAGOD POLICE STATION, REP. BY THE
PUBLIC PROSECUTOR, ERNAKULAM.

BY P.P. SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No.5350 OF 2007

Dated this the 10th day of September, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations under Secs.308 and 452 of the IPC. The learned Public Prosecutor, on instructions, submits that the investigation is already complete. The petitioner is not required to be arrested by the police. Final report has already been filed and cognizance has been taken by the learned Magistrate. It is for the petitioner now to appear before the learned Magistrate and seek regular bail, submits the learned Public Prosecutor.

2. The learned counsel for the petitioner submits that there may be a positive direction to the learned Magistrate to consider the application for bail on the date of surrender itself. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this

aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

3. In the result, this bail application is dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge